

**MINISTRY OF
TRANSPORT**

**SOCIALIST REPUBLIC OF VIETNAM
Independence – Freedom – Happiness**

No.: 41/2013/TT-BGTVT

Hanoi, November 05, 2013

CIRCULAR

**PRESCRIBING TECHNICAL SAFETY AND QUALITY INSPECTION OF ELECTRIC
BICYCLES**

Pursuant to the Law on road traffic dated November 13, 2008;

Pursuant to the Law on quality of goods and products dated November 21, 2007;

Pursuant to the Law on consumer protection dated November 17, 2010;

Pursuant to the Government's Decree No. 132/2008/ND-CP dated December 31, 2008 providing guidelines for implementation of the Law on quality of goods and products;

Pursuant to the Government's Decree No. 107/2012/ND-CP dated December 20, 2012 defining the functions, tasks, powers and organizational structure of the Ministry of Transport;

At the request of the Director of Science and Technology Department and the Director of Vietnam Register;

The Minister of Transport promulgates a Circular prescribing the technical safety and quality inspection of electric bicycles.

Chapter 1.

GENERAL PROVISIONS

Article 1. Scope

1. This Circular stipulates the technical safety and quality inspection of domestically manufactured or assembled electric bicycles and imported ones.
2. This Circular does not apply to:
 - a) Electric bicycles domestically manufactured or assembled or imported to serve the performance of national defense and security tasks of the Ministry of National Defence and the Ministry of Public Security.

b) No more than 01 electric bicycle imported or temporarily imported for non-commercial purposes.

c) Electric motorcycles and electric mopeds which are governed by the Circular No. 44/2012/TT-BGTVT dated October 23, 2012 of the Minister of Transport prescribing technical safety and environmental protection inspection of imported motorcycles, mopeds and engines thereof and the Circular No. 45/2012/TT-BGTVT dated October 23, 2012 of the Minister of Transport prescribing technical safety and environmental protection inspection of manufactured or assembled motorcycles and mopeds.

Article 2. Regulated entities

This Circular applies to organizations and individuals involved in manufacturing, assembly, import, trading, inspection, testing, management and certification of quality conformity of electric bicycles.

Article 3. Definitions

For the purpose of this Circular, the terms below are construed as follows:

1. “*electric bicycle*” means a two-wheeled bicycle that works using a direct current engine or a pedal-assist system using a direct current engine, and has a max engine power up to 250 W, a max speed not exceeding 25 km/h and a kerb weight (including the weight of batteries) not exceeding 40 kg.
2. “*electric bicycles of the same type*” means the ones that are of the one holder of industrial property rights, have the same mark, design and technical specifications, and are produced from the one technological line.
3. “*type approval certification*” means the process of inspection, testing, appraisal, assessment and certification of the conformity of an electric bicycle type with applicable national technical regulations on technical safety and quality.
4. “*quality control authority*” is Vietnam Register affiliated to the Ministry of Transport that shall take charge of performing state management of technical safety and quality of electric bicycles within the scope of this Circular.
5. “*testing facility*” means an organization that meets all eligibility requirements and is designated to perform testing for electric bicycles according to corresponding national technical regulations and relevant legislative documents.
6. “*manufacturer*” means an enterprise that engages in the production or assembly of electric bicycles after having fulfilled technical facility requirements.
7. “*importer*” means any organization or individual that imports electric bicycles.

8. “*trader*” means any organization or individual that distributes electric bicycles on the market.
9. “*testing sample*” means a representative sample which is selected and provided by the manufacturer or randomly taken by the quality control authority for testing.
10. “*defective electric bicycle*” means an electric bicycle which, due to a deficiency in the design, manufacture or assembly, renders it unreasonable dangerous to life and property of the rider as well as adversely influences community safety and environment.
11. “*electric bicycle recall*” means a manufacturer’s or importer’s request to return electric bicycles of the same lot/shipment or of the same type with the defective electric bicycle that they have sold/distributed on the market with the aim of preventing potential dangers caused by a deficiency in the design, manufacture or assembly by repairing or replacing defective parts or replacing defective electric bicycles with new ones.

Chapter 2.

TECHNICAL SAFETY AND QUALITY INSPECTION OF ELECTRIC BICYCLES

Article 4. Sample testing

1. Technical safety requirements and testing methods are provided for in QCVN 68:2013/BGTVT *National technical regulation on electric bicycles*.
2. The relevant manufacturer or importer shall transport its testing sample to the announced testing site. The testing facility shall take charge of performing tests on the received sample according to the testing procedures laid down in the national technical regulation, make the testing record using the prescribed form and assume responsibility for the testing record it provided. The quality control authority may directly supervise the performance of testing procedures if necessary.
3. Testing sample management
 - a) Upon completion of the testing procedures and after the testing record has been made, the testing facility shall return the testing sample together with the testing record to the manufacturer or importer;
 - b) The manufacturer shall keep the representative sample for a period of not less than one year from the date on which it stops manufacturing or assembling electric bicycles of the same type. The representative sample must be protected against damage caused by environmental factors and shall be presented at the request of the quality control authority.

Article 5. Application for technical safety and quality inspection

1. An application for technical safety and quality inspection of manufactured/assembled electric bicycle includes:

- a) The statement of technical specifications which is made using the form in Appendix I enclosed herewith;
- b) The original of the testing record given by the testing facility;
- c) The description of manufacturing/assembling and quality control procedures;
- d) The bicycle owner's manual which contains the main technical specifications, instructions for parts of the electric bicycle, safety and environmental protection instructions; Warranty information sheet (in which warranty conditions and addresses of warranty service providers must be specified);
- dd) The copy of the business registration certificate or the investment registration certificate if the applicant engages in the manufacture or assembly of electric bicycles for the first time;
- e) The manufacturer's commitment that the vehicle type does not infringe any protected industrial property rights and the manufacturer shall take legal responsibility for any infringement cases;
- g) The description of electric bicycle label, including dimensions, contents and location of the label. The label of an electric bicycle shall include the manufacturer's name and address, mark, model code, kerb weight (i.e. weight of vehicle in running order), number of seating positions, number of type approval certificate, production year, and origin.

2. An application for technical safety and quality inspection of imported electric bicycle includes:

- a) The request for quality inspection of imported electric bicycle (hereinafter referred to as "the request for quality inspection") which is made using the form in Appendix II enclosed herewith;
- b) The copies of import documents bearing the importer's certification, including: The import customs declaration, the commercial invoice or another equivalent document indicating the value of imports;
- c) The manufacturer's description of technical features of the imported electric bicycle, including information relating to dimensions, weight, number of seating positions, max speed, tyre sizes, max power, voltage and capacity of batteries, distance travelled continuously.

If the manufacturer's description does not contain sufficient information as prescribed in Point c of this Clause, the importer shall submit the statement of technical specifications made using the form in Appendix I enclosed herewith.

With regard to electric bicycles of the same type with the one inspected and issued with the Certificate of quality conformity by the quality control authority, the manufacturer's description of technical features is not required.

d) The description of electric bicycle label, including dimensions, contents and location of the label. The label of an electric bicycle shall include the manufacturer's name and address, the importer's name and address, mark, model code, kerb weight, number of seating positions, engine power, production year, and origin.

Article 6. Quality inspection of manufactured/assembled electric bicycle

The quality inspection of manufactured/assembled electric bicycle shall be carried out on the basis of the conformity of production assessment (hereinafter referred to as COP assessment).

1. The manufacturer is required to meet the following requirements:

- a) It must established procedures and manuals for manufacture, assembly and quality control for each type of electric bicycles, including those for quality control of inputs, quality control at each production stage and ex-factory inspection, so as to ensure safety performance indicators and technical features of electric bicycles;
- b) It must have sufficient inspection equipment necessary for each production stage in conformity with the established manufacture/assembly procedures;
- c) It must employed qualified personnel in charge of manufacture and quality control tasks in conformity with the established manufacture/assembly procedures.

2. COP assessment contents:

- a) Assess the manufacturer's procedures and manuals for manufacture, assembly and quality control by carrying out inspection of inputs, inspection of each production stage and ex-factory inspection;
- b) Assess the manufacturer's quality inspection equipment;
- c) Assess the manufacturer's personnel in charge of quality control.

3. Forms of COP assessment:

- a) Initial COP assessment which is made when processing an application for the Type approval certificate for manufactured/assembled electric bicycles;
- b) Annual COP assessment which is made on an annual basis;
- c) Ad hoc COP assessment which is made in case the manufacturer denotes the commission of violations against regulations on quality inspection or there is a complaint about electric bicycle quality is filed.

With regard to electric bicycles of similar type/model which are produced by adopting the same manufacture, assembly and quality control procedures, results of the previous COP assessment may be used.

Article 7. Quality inspection of imported electric bicycle

1. Inspection method and contents:

- a) Carry out general inspection of homogeneity of electric bicycles of the shipment;
- b) Randomly take samples from the shipment. The number of samples to be taken shall be subject to the quantity of imported electric bicycles and provided for as follows:

No.	Quantity of electric bicycles of the same type of a shipment (unit: pieces)	Number of samples to be taken for testing (unit: pieces)
1	Up to 100	01
2	From 101 to 500	02
3	Above 500	03

- c) Verify identification of the sample electric bicycle;
- d) Perform testing for sample electric bicycle in accordance with Article 4 hereof;
- dd) In case more than one sample is taken, the shipment is unsatisfactory if there is any unsatisfactory sample as shown in testing record.

2. Exemption from sample testing

The testing of samples shall be exempted in the following cases:

- a) Electric bicycles of the same type have been inspected according to mutual recognition agreements on standards and conformity assessment to which Vietnam is a signatory;
- b) Electric bicycles of the same type that are of the one importer and have been tested and granted quality conformity certificate. The testing of samples shall be performed according to Point d Clause 1 of this Article if the shipment of imported electric bicycles is exempted from sample testing but denotes non-conformity of quality requirements.

Article 8. Issuance of type approval certificate/certificate of quality conformity

Type approval certificate for manufactured/assembled electric bicycles and certificate of quality conformity for imported electric bicycles (hereinafter referred to as “Certificate”) shall be issued according to the following procedures:

1. With regard to manufactured/assembled electric bicycles:

a) The manufacturer shall submit an application which includes adequate documents as specified in Clause 1 Article 5 hereof directly or by post to the quality control authority;

b) The quality control authority shall receive and examine the received application. If the application is insufficient, the manufacturer shall be requested to complete it. If the application is sufficient, agreement on the date and site of COP assessment shall be reached with the manufacturer;

c) Within a maximum duration of 10 business days from the receipt of the sufficient application, the quality control authority shall examine the received application and carry out the COP assessment in accordance with Article 6 hereof. In case of unsatisfactory results, the manufacturer shall carry out remedial measures as requested. In case of satisfactory results, the quality control authority shall issue the Certificate using the form in Appendix IIIa enclosed herewith within 05 business days upon completion of the COP assessment procedures.

2. With regard to imported electric bicycles:

a) The importer shall submit an application which includes sufficient documents as specified in Clause 2 Article 5 hereof directly or by post to the quality control authority;

b) The quality control authority shall receive and examine the received application. If the application is insufficient, the importer shall be requested to complete it. If the application is sufficient, the quality control authority shall, within a business day from the receipt of the application, make certification on the request for quality inspection and reach an agreement with the importer on the date and site of inspection;

c) The quality control authority shall carry out inspection and consider results of testing for imported electric bicycles according to Article 7 hereof. In case of unsatisfactory inspection results, within 05 business days from the completion of the inspection, a notification shall be sent to the importer to implement remedial measures. Over 30 days from the date of notification, if the importer fails to implement appropriate remedial measures, the notice on non-conformity of quality for imported electric bicycles shall be given using the form in Appendix IIIc enclosed herewith. In case of satisfactory inspection results, the quality control authority shall issue the Certificate of quality conformity for imported electric bicycles using the form in Appendix IIIb enclosed herewith to the importer within 05 business days from the receipt of satisfactory results.

Article 9. Quality inspection during manufacture, assembly and import of electric bicycles

1. With regard to manufactured/assembled electric bicycles:

a) The manufacturer shall carry out manufacture/assembly activities only after obtaining the type approval certificate, and must ensure that the manufactured/assembled electric bicycles shall be conformable with the submitted application and tested representative samples. The manufacturer shall assume responsibility for the origin and quality of finished electric bicycles;

b) The manufacturer must carry out ex-factory quality inspection of each mass-produced electric bicycle (hereinafter referred to as “ex-factory quality inspection”);

c) Based on the obtained type approval certificate and ex-factory quality inspection results, the manufacturer shall make and send the list of finished electric bicycles to the quality control authority. The manufacturer shall receive a conformity stamp within 02 business days.

d) Every finished electric bicycle must bear a conformity stamp which is stuck on the right side of the bicycle’s frame at a visible, legible and indelible position. If any signs of violation are detected, the quality control authority may carry out the inspection of the process of sticking of conformity stamps on finished electric bicycles.

2. With regard to imported electric bicycles:

a) The importer shall receive conformity stamps according to the certificate of quality conformity issued to the shipment of imported electric bicycles.

b) Every imported electric bicycle must bear a conformity stamp which is stuck on the right side of the bicycle’s frame at a visible, legible and indelible position. The quality control authority shall carry out the inspection of the process of sticking of conformity stamps on imported electric bicycles of the shipment.

3. Conformity stamp:

a) Dimensions and contents of the conformity stamp shall comply with Appendix IV enclosed herewith.

b) Color, patterns, background and materials of the conformity stamp shall comply with regulations of the quality control authority.

Article 10. Quality inspection of electric bicycles being sold on the market

1. Manufacturers and importers are responsible for the quality of their electric bicycles when they are sold on the market.

2. Based on the inspection plan and development of electric bicycles on the market, the quality control authority shall carry out quality inspection of electric bicycles being sold on the market by adopting the following methods:

a) Inspect the conformity of electric bicycles with the submitted application;

b) If any non-conformity of quality signs is founded, samples shall be taken and transported to testing facilities for testing.

3. The quality control authority is entitled to request the manufacturer or importer to recall their electric bicycles based on the results of quality inspection of electric bicycles being sold on the market.

Article 11. Annual and additional assessments

1. Depending on demand of each manufacturer, periodical assessments shall be annually carried out by the quality control authority to verify the manufacturer's fulfillment of regulatory requirements according to the issued type approval certificate. To be specific:

a) Carry out COP assessment as regulated in Article 6 hereof;

b) Randomly take samples from electric bicycles of the same type at the premises of the manufacturer, and request for testing of samples at the testing site according to relevant national technical regulations and standards. The manufacturer shall transport samples to the announced testing site.

2. The manufacturer is required to follow procedures for additional certification in case national technical regulations on the type of electric bicycles granted the type approval certificate are amended or there are modifications made to electric bicycles and thus influencing the conformity of such type of electric bicycles with corresponding national technical regulations. The manufacturer is required to submit the following additional documents:

a) Documents relating modifications to electric bicycles;

b) The record of re-testing of electric bicycles according to new national technical regulations and standards.

3. The type approval certificate for manufactured/assembled electric bicycles will be no longer valid if:

a) Electric bicycles granted the type approval certificate do no longer satisfy applicable national technical regulations and standards or electric bicycles are not conformable with the submitted application and the issued type approval certificate because of their modifications but the manufacturer fails to follow procedures for additional certification as regulated in Clause 2 of this Article.

b) The manufacturer commits serious violations against relevant regulations on control of quality of electric bicycles;

c) The manufacturer fails to carry out the recall of defective electric bicycles as regulated in Clause 4 Article 13 hereof.

Manufacturers shall be informed in writing of the invalidated type approval certificates which shall be also published on the website of the quality control authority.

Chapter 3.

IMPLEMENTATION PROVISIONS

Article 12. Vietnam Register's responsibility

1. Provide guidance on inspection operations within the ambit of its assigned functions and duties in accordance with regulations hereof.
2. Issue, manage and provide guidance on the use of quality conformity certificates and stamps in a consistent manner.
3. Publish the list of testing facilities designated to perform testing for type approval certification on the website of the quality control authority.
4. Organize periodic or ad hoc inspection of conformity with quality requirements by manufacturers.
5. Prepare and submit consolidated reports on technical safety and quality inspection of electric bicycles to the Ministry of Transport as regulated.

Article 13. Responsibility of manufacturers and importers

1. Assume responsibility for the accuracy and authentication of documents provided for the quality control authority.
2. Cooperate with the quality control authority during the quality inspection of their electric bicycles.
3. Distribute/sell electric bicycles on the market only after they are granted conformity stamps. Provide the owner's manual and warranty information sheet for each electric bicycle.
4. Carry out electric bicycle recalls as regulated in Article 22 of the Law on consumer protection in case of defective electric bicycles found.
5. Manufacturers must establish the quality control system for monitoring quality of mass-produced electric bicycles.
6. Importers must preserve the status quo of electric bicycles transported to the testing site agreed upon with the quality control authority for testing.
7. Assume legal responsibility for any violations against regulations on industrial property rights.

Article 14. Fees and charges

The quality control authority and testing facilities are entitled to collect fees and charges according to regulations of the Ministry of Finance.

Article 15. Effect

1. This Circular comes into force as from January 01, 2014.
2. Electric bicycles manufactured, assembled or imported before the date of entry into force of this Circular shall not be governed by regulations hereof.
3. If any documents referred to in this Circular are amended, supplemented or superseded, the new ones shall apply.

Article 16. Implementation organization

Chief of the Ministry's Office, Chief Inspector of the Ministry, Directors of Departments affiliated to the Ministry of Transport, Director of Vietnam Register, heads of relevant authorities and organizations, and relevant individuals shall be responsible for implementing this Circular./.

MINISTER

Dinh La Thang